

DATE OF MEETING DECEMBER 19, 2024

AUTHORED BY DAVE LABERGE, DIRECTOR, PUBLIC SAFETY

**SUBJECT ILLEGAL CONSTRUCTION – 2276 & 2278 ROSSTOWN ROAD**

## **OVERVIEW**

### **Purpose of Report**

To inform Council that alterations have taken place to add living space to the carport of a duplex at 2276 and 2278 Rosstown Road without a building permit, and to recommend that a Remedial Action Requirement be issued.

### **Recommendation**

That Council:

1. Declare that construction, alteration and occupancy of the carport structure at 2276 Rosstown Road is in contravention of City of Nanaimo “Building Bylaw 2016 No. 7224” and the Provincial Building Code.
2. Impose remedial action requirements in relation to the provisions of Sections 72 and 73 of the *Community Charter*.
3. Direct the remedial action requirement to include that all construction completed without required inspections or permit must be completely removed by no later than 60 days after the remedial action requirement is issued.
4. Direct staff to advise the owner(s) that they may request Council reconsider the remedial action requirement by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent.
5. Direct staff or their authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice to remove all unauthorized construction at the owner’s expense if the said remedial action requirement is not undertaken within the time limit set out in the Council resolution.

## **BACKGROUND**

The Building Inspections section completed an inspection of the property on 2023-DEC-08 in response to a complaint of illegal construction. Inspection confirmed that an enclosed room was constructed in the carport of the duplex at 2278 Rosstown Road without a building permit. A Stop Work Order was posted.

The property owner was informed in writing that full deconstruction was required to return the structure to a carport as it is not compliant with the BC Building Code.

At the 2024-APR-18 regular meeting, Council authorized staff to register a bylaw contravention notice on the property title. The matter was forwarded to the Bylaw Department for enforcement.

The Bylaw Department has inspected the property regularly, noting that a tenant is occupying the residence. The owner(s) have not been responsive to regular communications directing that the carport be returned to original state. Numerous tickets have been issued for constructing without a permit.

## **DISCUSSION**

Council may impose remedial action requirements in accordance with Sections 72 and 73 of the *Community Charter* if a building or structure creates an unsafe condition, or if it contravenes the provincial building regulations or a building bylaw.

The construction has been completed without permit or inspection in contravention of the Building Bylaw and provincial building regulations and must be removed.

## **OPTIONS**

1. That Council
  1. Declare that construction, alteration and occupancy of the carport structure at 2276 Rosstown Road is in contravention of City of Nanaimo “Building Bylaw 2016 No. 7224” and the Provincial Building Code.
  2. Impose remedial action requirements in relation to the provisions of Sections 72 and 73 of the *Community Charter*.
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  5. Direct staff or their authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice to remove all unauthorized construction at the owner’s expense if the said remedial action requirement is not undertaken within the time limit set out in the Council resolution.
    - The advantages of this option: The property owner will be required to take remedial actions to resolve bylaw and building code contraventions within a certain timeframe.
    - The disadvantages of this option: Considerable staff time is required.
    - Financial Implications: potential for future litigation.
2. That Council take no action.

### **SUMMARY POINTS**

- There is a duplex located at 2276 Rosstown Road and a living space was constructed in the carport at 2278 Rosstown Road (which is an alias address assigned to the second half of the duplex) without a building permit or inspection in contravention of the building bylaw and provincial building regulations.
- Notice of bylaw contravention has been registered on property title.
- A remedial action requirement to remove the illegal construction is recommended.

**Submitted by:**

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Director, Public Safety

**Concurrence by:**

Darcy Fox  
Manager, Building Inspections

Richard Harding  
General Manager, Community Services &  
Deputy CAO